

REMARKS**STATUS OF THE CLAIMS**

Following entry of this Amendment, claims 2-4, 10-12, and 25 will be pending. Please cancel claims 23 and 24. Claims 2, 3, and 4 have been amended. Applicants reserve their right to later pursue the subject matter of the cancelled claims and the claims prior to their amendment in this response in continuing applications.

I. OBJECTIONS TO THE SPECIFICATION

The Examiner objected to the specification for not complying with 37 CFR § 1.821(d), for the use of “SEQ ID N^o” instead of “SEQ ID NO”.

Applicants have amended the specification to comply with 37 CFR § 1.821(d). Applicants request that this objection be withdrawn.

II. OBJECTION TO THE CLAIMS UNDER 37 CFR § 1.821(d)

The Examiner has objected to claims 2-4, 23, 24 as not complying with 37 CFR § 1.821(d) for the use of “SEQ ID N^o”.

Applicants have amended claims 2-4 to comply with 37 CFR § 1.821(d). Applicants request that this objection be withdrawn.

**III. REJECTION UNDER FIRST PARAGRAPH OF 35 U.S.C. §112 -
ENABLEMENT**

The Examiner has rejected claims 2-3, 10-12, 23-25 under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled for does not reasonably provide enablement for a polynucleotide having 90%identity to a nucleic acid encoding a substantially purified polypeptide comprising an amino acid sequence set forth in SEQ ID NO: 20 and 22, or a polynucleotide having 90% identity to a nucleic acid encoding a fragment from amino acid 1 to amino acid 1062 of SEQ ID NO: 20, or a polynucleotide having 90% identity to a nucleic acid encoding a fragment from amino acid 1 to amino acid 1019 of SEQ ID NO: 22.

Applicants respectfully maintain that the claims, as amended, are sufficiently enabled under 35 USC § 112, first paragraph. Independent claims 2 and 3 have been amended to delete the reference to 90% identity. Applicants maintain that one of skill in the art can practice the claimed invention, without undue experimentation. Moreover, the Examiner stated in Paper No. 16 on page 4 that “the specification, while being enabling for a polynucleotide encoding a substantially purified polypeptide comprising an amino acid sequence set forth in SEQ ID NO: 20 and 22, or a polynucleotide encoding a fragment from amino acid 1 to amino acid 1062 of SEQ ID NO: 20, or a polynucleotide encoding a fragment from amino acid 1 to amino acid 1019 of SEQ ID NO: 22, which binds gabapentin.” Claim 2 relates to nucleic acids “comprising a polynucleotide sequence encoding: - from amino-acid 1 to between amino-acids 1027 and 1062 of SEQ ID NO:20, or - from amino-acid 1 to between amino-acids 984 and 1019 of SEQ ID NO:22.” Claim 3 relates to nucleic acids encoding “- from amino-acid 1 to between amino-acids 1047 and 1062 of SEQ ID NO:20, or - from amino-acid 1 to between amino-acids 1004 and 1019 of SEQ ID NO:22,” respectively. Accordingly Applicants respectfully request that the enablement rejection under 35 U.S.C. § 112 be withdrawn.

IV. REJECTION UNDER FIRST PARAGRAPH OF 35 U.S.C. §112 – WRITTEN DESCRIPTION

The Examiner has rejected claims 2-3, 10-12, 23-25 under 35 U.S.C. § 112, first paragraph, for allegedly lacking an adequate written description of the genus of claimed polynucleotides.

Applicants respectfully maintain that the claims, as amended, are sufficiently described under 35 USC § 112, first paragraph. Independent Claims 2 and 3 have been amended to delete the reference to 90% identity. The genus of claimed polynucleotides has been narrowed to the currently amended claims. Applicants maintain that the combination of the structural features of the nucleic acids recited in the claims, (e.g., for “a polynucleotide sequence encoding: - from amino-acid 1 to between amino-acids 1027 and 1062 of SEQ ID NO:20, or - from amino-acid 1 to between amino-acids 984 and 1019 of SEQ ID NO:22,” in combination with the claimed functional characteristic that,

the polypeptides encoded by the claimed nucleic acids bind gabapentin provides sufficient detailed, relevant identifying characteristics to adequately convey to one of skill in the art that the Applicants were in possession of the claimed invention at the time the application was filed. Accordingly, Applicants respectfully request that the written description rejection under 35 U.S.C. § 112 be withdrawn.

V. REJECTION UNDER 35 U.S.C. § 102(b)

The Examiner has rejected claims 4 and 23 under 35 U.S.C. 102(b) as allegedly being anticipated by Wei et al. (1998) (Gen Bank Accession No. AF042792).

Applicants respectfully maintain that claim 4, as amended, is not anticipated by Wei et al. Claim 23 has been canceled. Claim 4 does not contain an identity limitation. Furthermore, Wei fails to disclose any of the recited nucleic acids in claim 4 - SEQ ID NO:1, 2, 3, 7, 8, 9, 13, 14 or 15. Therefore, Wei et al. do not disclose all of the limitations of the claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

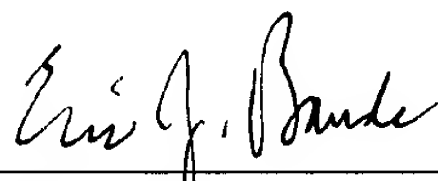
CONCLUSION

In view of the foregoing, Applicants believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at 734-622-2095.

Respectfully submitted,

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